

# EXHIBIT 5

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November 19, 2015

The Honorable Jesse M. Furman  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: In re: General Motors LLC Ignition Switch Litigation,  
14-MD-2543 (JMF)**

Dear Judge Furman:

Pursuant to this Court's Order No. 8 § V, Lead and Liaison Counsel and counsel for General Motors LLC ("New GM") submit this joint written update to advise the Court of matters of possible significance in proceedings related to MDL 2543.

First, on November 6, 2015, the court conducted a pretrial conference and set trial for May 15, 2017 in *Shumate, et al. v. Gen. Motors LLC, et al.*, CV-2015-073 (Conway County, Ark.), a wrongful death action alleging ignition switch and power steering defects in a 2010 Chevrolet Cobalt. The parties are to submit an agreed proposed scheduling order by December 4, 2015. Additionally, plaintiff is considering whether to consent to entry of the MDL 2543 Coordination Order ("Coordination Order"). A copy of plaintiff's letter to the court memorializing the pretrial conference is attached hereto as Exhibit 1.

Second, on November 11, 2015, New GM filed petitions for writs of prohibition from the Missouri Court of Appeals concerning the trial court's denial of motions to sever and to transfer claims in *Alden, Felix, and Shell*, wrongful death and personal injury actions which have been subjects of multiple letters to the Court. On November 12, 2015, the Missouri Court of Appeals entered orders summarily denying New GM's petitions. Copies of New GM's petitions and the orders denying them are attached hereto as Exhibits 2-7, respectively. New GM intends shortly to file renewed petitions to the Missouri Supreme Court.

Third, on November 12, 2015, plaintiffs filed a motion challenging the sufficiency of New GM's responses to requests for admissions in *Brochey, et al. v. Gen. Motors LLC, et al.*, No. 11813-15 (Erie County, Pa.), an individual economic loss action alleging ignition switch defects in a 2011 Chevrolet Camaro. New GM objected to certain of plaintiffs' requests insofar

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as they improperly implicate or overlap with discovery in MDL 2543. A copy of the motion is attached hereto as Exhibit 8.

Fourth, on November 16, 2015, the Coordination Order was entered in *Quiles v. Catsoulis, et al.*, No. 702871/14 (Queens County, N.Y.), a personal injury alleging ignition switch defects in a 2006 Cadillac CTS. A copy of the order is attached hereto as Exhibit 9.

Fifth, in addition to the Bankruptcy Court's November 9, 2015 Decision, of which this Court has already been advised (*see* Docket No. 1620), the following filings were made and orders entered with respect to the proceedings in the Bankruptcy Court and the Second Circuit since the parties' November 6, 2015 joint letter to the Court (*see* Docket No. 1610):

- November 6, 2015: The *Bledsoe, Elliott*, and *Sesay* plaintiffs filed a response to New GM's October 30, 2015 letter brief identifying claims and allegations in their complaints barred by the Sale Order (*see* Docket No. 1610-12). Also, New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court related to the bankruptcy proceedings.
- November 9, 2015: The Bankruptcy Court entered an Errata Order concerning the November 9, 2015 Decision.
- November 10, 2015: New GM filed a letter with the Bankruptcy Court advising that New GM had communicated the November 9, 2015 Decision to this Court.
- November 16, 2015: Appellate briefs were filed in the Second Circuit by the Ignition Switch Plaintiffs, Pre-Closing Accident Plaintiffs, *Groman* Plaintiffs, and *Bledsoe, Elliott*, and *Sesay* Plaintiffs, New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court related to the bankruptcy proceedings.
- November 17, 2015: New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court and the Second Circuit related to the bankruptcy proceedings.

Copies of the foregoing documents are attached hereto as Exhibits 10–20, respectively.

Sixth, pursuant to Order No. 1 § X.8, the Defendants' July 21, 2014 Status Letter (Docket No. 73) included an Exhibit A listing cases consolidated to date in MDL 2543, as well as an Exhibit B listing related cases pending in state and federal court, together with their current status. For the Court's convenience, updated versions of Exhibits A and B are attached hereto as Exhibit 21.

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Finally, the parties continue to work to ensure that the Court is provided with current and correct contact information for presiding judges in actions listed in the aforementioned Exhibit B. To that end, the Federal/State Liaison Counsel will submit shortly to the Court updates to the e-mail addresses of the presiding judges in Related Actions.

Respectfully submitted,

/s/ Richard C. Godfrey, P.C.

/s/ Andrew B. Bloomer, P.C.

*Counsel for Defendant General Motors LLC*

cc: The Honorable Robert E. Gerber  
MDL Counsel of Record